

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV**

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	
BERNARD VON NOTHAUS	)	
_____	)	

In re: PETITION OF TJHANG SAUW PAN  
BENNY

**ORDER GRANTING IN PART AND DISMISSING IN PART  
PETITION OF TJHANG SAUW PAN BENNY**

**WHEREAS**, on November 10, 2014, the Court entered a Memorandum and Order (Doc. 270) affirming the jury's verdicts of guilty to Counts One, Two, and Three in the Superseding Bill of Indictment.

**WHEREAS**, on February 25, 2015, the Court entered the Amended (Third) Preliminary Order of Forfeiture (Doc. 297) forfeiting certain coins, metals, and other property to the United States.

**WHEREAS**, Petitioner Tjhang Sauw Pan Benny filed a petition (Doc. 421) claiming ownership of eleven (11) \$50 gold Liberty Dollars, six (6) \$5 quarter silver Liberty Dollars, fifty (50) \$10 silver Peace Dollars, fifty (50) \$1 copper Ron Paul Dollars, one hundred (100) \$1 copper Peace Dollars, fifty (50) \$1 copper Ron Paul Dollars, and four (4) \$20 silver Ron Paul Dollars.

**WHEREAS**, Petitioner claims, in part, fifty (50) \$1 copper Ron Paul Dollars, fifty (50) \$1 copper Ron Paul Dollars, and four (4) \$20 silver Ron Paul Dollars and these claims are based on documentation and/or a plausible factual explanation that comports with the information known to the United States and that satisfies 21 U.S.C. § 853(n)(6), and the United States herein

moves that the aforementioned portion be granted.

**WHEREAS**, Petitioner also claims eleven (11) \$50 gold Liberty Dollars, six (6) \$5 quarter silver Liberty Dollars, fifty (50) \$10 silver Peace Dollars, and one hundred (100) \$1 copper Peace Dollars, purchased in October of 2007 that the United States contends in its Motion are illegal contraband finally forfeited to the United States as contraband *per se*.

**WHEREAS**, based on the evidence, the Court has ruled in this case that coins minted after the warning by the United States Mint to the Liberty dollar organization and the Defendant on September 14, 2006, were counterfeit. *See* Memorandum and Order, at 7 (Doc. 270; Memorandum and Order (First Preliminary Order of Forfeiture) at 18 (Doc. 285).

**WHEREAS**, the Court has ruled in this case that “Items that are considered ‘contraband’ or ‘counterfeit’ under Section 492 are deemed illegal *per se* and automatically forfeited without having to satisfy the otherwise applicable forfeiture procedures.” Memorandum and Order (First Preliminary Order of Forfeiture) at 11 n. 10 (Doc. 285) (citing *Helton v. Hunt*, 330 F.3d 242, 247□48 (4th Cir. 2003)). The Court has further defined contraband in this case as “properties that no person or entity other than the United States may have a property right or interest in them.” Consent Order and Judgment of Forfeiture, Doc. 296.

**IT IS THEREFORE ORDERED:**

1. The Petition of Tjhang Sauw Pan Benny is granted in part, with said portion to be granted consisting of fifty (50) \$1 copper Ron Paul Dollars, fifty (50) \$1 copper Ron Paul Dollars, and four (4) \$20 silver Ron Paul Dollars. This portion is granted based on information known to the United States and the Court, and which satisfies 21 U.S.C. § 853(n)(6), and;
2. The Petition of Tjhang Sauw Pan Benny is denied in part, said portion to be denied consisting of eleven (11) \$50 gold Liberty Dollars, six (6) \$5 quarter silver

Liberty Dollars, fifty (50) \$10 silver Peace Dollars, one hundred (100) \$1 copper Peace Dollars because this the portion of the Petitioner's claim is for coins minted in 2007 that meet the definition of contraband *per se*. Said coins have been determined to be contraband, and therefore this portion of the claim, pursuant to Fed. R. Crim. P. 32.2(c)(1)(A) is dismissed for the reason that the Petition fails to state a claim upon which relief may be granted and Petitioner fails to assert standing.

3. Final disbursement by the United States shall be deferred until a comprehensive final order of forfeiture is entered in this case.

**SO ORDERED.**

Signed: December 21, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

